

**CITY OF HOLLYWOOD**  
**EMPLOYEES' RETIREMENT FUND**  
**BY-LAWS**

AS AMENDED FEBRUARY 23, 2021

ARTICLE I

BOARD OF TRUSTEES

The Board of Trustees of the City of Hollywood Employees' Retirement Fund (the "Board") is responsible for the proper operation and administration of the Fund, including policy formulation, investments and benefit determinations. The Board's duties and responsibilities are set forth in the Plan Document. These by-laws are adopted pursuant to Section 18(h) of the Plan.

ARTICLE II

OFFICERS AND EXECUTIVE DIRECTOR

SECTION 1: CHAIR

The Chair shall be elected by majority vote of the Board members present at the annual meeting. The Chair shall preside at all meetings; announce the business before the Board, the question under consideration and the result of votes taken; request a roll call vote as herein provided; and appoint all necessary committees and ensure that they perform their assigned duties. All contracts and agreements creating any liabilities, shall require dual signatures from the Chair, Vice Chair, and/or the Secretary upon authorization of the Board.

## SECTION 2: VICE-CHAIR

The Vice-Chair shall be elected by majority vote of the Board members present at the annual meeting, and shall act as Chair in the absence or disability of the Chair.

## SECTION 3: SECRETARY

The Secretary shall be appointed by the Board of Trustees. The Secretary shall administer the detailed affairs of the Fund and shall act as Secretary of the Board. The Secretary shall give proper and timely notice of all meetings; prepare Board agendas; record, transcribe, provide copies and maintain records of the proceedings of Board meetings; read all communications addressed to the Board; present bills for administrative expenses, and annuity and refund applications to the Board; maintain, along with the , all records and documents of the Fund; answer correspondence regarding participant benefits; receive applications for annuities and refunds, requesting related information required by the Board in the consideration of such claims; and perform other duties as are assigned by the Board. The Secretary shall act as the public records liaison for the Fund, unless the Board designates the Executive Director to perform this function. The Board may transfer some or all of the duties of the Secretary to the Executive Director.

## SECTION 4: EXECUTIVE DIRECTOR

The Executive Director shall be appointed by majority vote of the Board of Trustees. The Executive Director shall assist members and retirees in matters relating to their retirement, and perform such other duties as may be assigned by the Board.

## ARTICLE III

### MEETINGS

#### SECTION 1: REGULAR MEETINGS

Regular Board meetings will be scheduled monthly, with the first meeting to be held in January of each year. However, the schedule may be changed by the Chair if determined to be necessary.

#### SECTION 2: SPECIAL MEETINGS

Special meetings may be held at such times as may be deemed necessary and called by the Chair or by any four (4) Board members.

#### SECTION 3: NOTICE

A minimum of three (3) days' posted notice of any meeting shall be provided when possible.

#### SECTION 4: ANNUAL MEETING

The last regular meeting of the year shall constitute the Annual Meeting of the Board. At such meeting the Board shall elect a Chair and Vice-Chair for the following year.

#### SECTION 5: QUORUM

Four members shall constitute a quorum for the transaction of business at any regular or special meeting.

#### SECTION 6: VOTING

Each Board member in attendance shall cast one vote on all questions coming before the Board at any regular or special meeting. Proxy voting shall not be permitted nor recognized. The passage or rejection of any resolution or action shall require the concurring majority vote of the members present.

## SECTION 7: ROLL CALLS

On all motions involving the expenditure of monies or the creation of a Fund liability, the vote of each member present shall be recorded. On any other vote, such record shall be made at the request of any member present.

## SECTION 8: ORDER OF BUSINESS

The Agenda shall be established by the Executive Director under the direction of the Chair. Business shall normally be considered in the following order:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Investment Issues
5. Disability Applications (when necessary)
6. Legal Issues
7. Administrative Issues
8. Public Comments
9. Trustee Reports, Questions and Comments
10. Executive Director's Report
11. Adjournment

At the direction of the Chair, the Agenda order may be changed and items may be added, deleted or taken out of order as deemed appropriate for the circumstances.

## SECTION 9: RULES OF PROCEDURE

Meetings of the Board shall be governed by Robert's Rules of Order, except as otherwise specifically provided in these By-laws.

## ARTICLE IV

### RECORDS

All accounts, records, correspondence and other data and documents of the Fund, other than investment and financial records, shall be maintained in the Pension Office. The Executive Director, with the assistance of the City's Finance Department shall maintain the investment and financial records of the Fund.

## ARTICLE V

### OATH OF OFFICE

#### SECTION 1: FORM OF OATH

Each person becoming a member of the Board shall take a written oath of office that they will diligently and honestly administer the affairs of their office, and not knowingly violate or willfully permit to be violated any provisions of laws governing the operation of the Fund. The oath shall be subscribed and acknowledged before the City Clerk. A person shall qualify for membership on the Board upon the oath of office being filed with the City Clerk.

ARTICLE VI  
AMENDMENTS

Changes or amendments to the by-laws may be proposed by any member of the Board, Secretary, Executive Director, and shall be submitted to the Executive Director, in writing.

Proposed changes shall be acted upon in the following manner:

Upon receipt of a proposal for an amendment, the Secretary or, if designated by the Board, the Executive Director, shall mail to each member of the Board a notice setting forth in full the proposed change or amendment at least ten (10) days prior to the date of any regular or special meeting at which the proposal shall be submitted for consideration.

At the next regular or special meeting following the mailing of such notice, or at any meeting thereafter to which consideration of the change or amendment has been postponed by the Board, such change or amendment may be adopted by a vote of at least four members voting in favor of its adoption. At such meeting the proposed change or amendment may be modified before being acted upon, without the necessity of any further notice; provided, however, that the amendment as modified shall be applicable only as to those Articles or portions thereof to which the notice specifically referred; and provided further that any such modification shall be approved by at least four members of the Board.

## ARTICLE VII

### BOARD MEMBER EXPENSES

A. Board members shall serve without compensation but shall be reimbursed for any expenses incurred in connection with their service on the Board. Travel expenses in connection with attendance at Board–approved seminars, conferences and meetings shall be reimbursed in accordance with City policy, except that meals shall be reimbursed in accordance with GSA guidelines plus 15%. Board members shall submit travel expenses for reimbursement on a form approved by the Board.

B. The Board authorizes the issuance of credit cards to the Chair, Vice Chair and Executive Director in the name of the Employees' Retirement Fund with the following restrictions:

- The card limit of the Chair and Vice Chair shall not exceed \$3,500. The card limit of the Executive Director cannot exceed \$16,000;
- It may only be used for pension fund office supplies and preauthorized conference registration fees and related travel expenses of Board Members, and the Executive Director;
- The credit card bill will be sent to the Pension Office for review by the Executive Director and then submitted to the City Financial Services Department for payment.

**CITY OF HOLLYWOOD**  
**EMPLOYEES' RETIREMENT FUND**  
**OPERATING PROCEDURES**

A. BASIC RECORDS AND ACCOUNTS

1: MEMBERSHIP RECORD

Every member shall be required to execute a membership record with respect to date of birth, beneficiary, and any other information necessary for the effective operation of the fund.

2: CLAIMS RECORDS

Annuity and refund claims shall record the type of claim, amounts paid, and other essential facts.

3: ACCOUNTING

Each member's contributions to the Fund shall be separately accounted, and other pertinent data shall be maintained in a form specified by the actuary as necessary for an accounting of contributions and for required calculations and valuations.

4: GENERAL BOOKS OF ACCOUNT

Proper books of account accurately reflecting the income of the Fund, disbursements, and investments made by the Board, shall be established and maintained in accordance with the laws creating and governing the Fund, and recognized accounting standards and techniques.



## 5: STATISTICS

Records providing statistical and operations data required for the annual actuarial valuation and periodic analyses of the Fund shall be created and maintained.

## 6: PRIOR SERVICE CREDIT

Any member claiming prior service credit shall file with the Secretary or, if designated by the Board, the Executive Director, a written statement detailing the periods of service rendered. If no records are available, confirmation of prior service may be made by affidavit of a person(s) in the employ of the City who has knowledge of the rendition of service claimed. The claim shall be confirmed in writing by the department in which the employee rendered the service or by records maintained by the Human Resources Division.

## B. FILING OF CLAIMS

### 1: SERVICE RETIREMENT

Members claiming a service retirement benefit shall file an application on a form provided by the Board. The application, along with the membership record, verified credited service, and other pertinent participant information, shall form the basis for the allowance of the benefit.

### 2: DISABILITY RETIREMENT

A. A member claiming disability benefits shall file an application on a form provided by the Board. The application shall include the member's name, address, employing department, nature, date, cause, extent and duration of disability, name and address of attending physician(s), and any medical treatment received during the five years preceding the disability. Applications shall be accompanied by a report of the attending

physicians including the date of the first and last examination, the cause and nature of disability, information regarding surgery or laboratory tests, prognosis, an estimate of the probable length of disability, and if the claim is for a job-related disability benefit, a statement of maximum medical improvement.

B. Every applicant for disability benefit shall be examined by a physician or physicians designated by the Board, at the Board's expense. Examinations may be required at the direction of the Board thereafter during the period of disability until the employee's attainment of age 55, if hired prior to July 15, 2009, or age 57 with 25 years of credited service or age 60 with 7 years of credited service if hired on or after July 15, 2009, the frequency of which and their scope, to be governed by the individual circumstances of each case. Investigation services may be employed to determine the extent and duration of disability on which a claim is based.

C. Based on the available medical information, the Human Resources Director shall make the final determination regarding the ability of the member to perform the specific duties of his or her position.

D. If the Human Resources Director determines that the member is unable to perform the specific duties of his or her position, the Board shall review the application for disability benefits and other relevant documents and determine, based on the available evidence, whether the disability occurred by reason of injuries sustained while in the performance of an act of duty as an active employee of the City.

E. The Executive Director shall provide the Board, at a minimum, the following information prior to the disability hearing: the member's job description, attendance records, performance appraisals and/or memorandum of performance by supervisor of

director, date of birth, credited service date and years of credited service, normal retirement date and an estimate of the member's monthly disability benefit.

### 3: DEATH BENEFIT

A member may designate a beneficiary(ies) and contingent beneficiary(ies) to receive the death benefits provided by the Plan. If no beneficiary is designated, the member's surviving spouse shall receive such benefit or refund of contributions as provided in the Plan. If there is no surviving spouse, the benefit or refund of contributions shall be paid to the member's estate, as provided in the Plan. Any person claiming a benefit on account of the death of a member shall file an application on a form provided by the Board, accompanied by a copy of the death certificate or other public record of death. Any person applying for a death benefit shall furnish such proof of identification, relationship and/or dates of birth as specified by the Board.

### 4: REFUND OF CONTRIBUTIONS

Any former employee or beneficiary eligible to receive a refund of contributions may make a written request therefore on a form provided by the Board. Failure to make a written request will not prevent the Board from issuing a refund pursuant to any policy adopted by the Board.

## C. HEARING PROCEDURES

### 1: GENERAL PROCEDURES.

A. The Board of Trustees may grant a hearing upon receipt of a written request (“Claim”), on any matter that affects the substantial rights of any person, including members, active or retired, beneficiaries, or any person affected by a decision of the Board. The Procedures in this Section do not apply to CLAIMS FOR BENEFITS OTHER THAN DISABILITY BENEFITS, which are governed by C.5.

B. The Board shall review the claim at an initial hearing and enter an order within thirty days following the initial hearing. The Board may extend the time for entering the order at an initial hearing for an additional forty-five (45) days if it determines such time is necessary for full discovery and adequate review. The Board attorney and the claimant may stipulate to further extensions of time.

C. It shall be the function of the Board attorney, throughout the hearing process, to assist the Board in the discovery and presentation of evidence in order to assure that the Board receives all relevant information prior to the Board’s decision.

D. Proceedings involving the forfeiture of a member’s retirement benefits under Section 112.3173, Florida Statutes, shall be governed by that statute and not by these by-laws.

### 2: INITIAL HEARING.

A. At the initial hearing, the only evidence to be considered by the Board shall be documentary evidence contained in the pension file, including but not limited to, correspondence, medical records and reports of treating physicians and/or examining physicians, and evidence received from the claimant.

B. Other than questions from Board members or the Board attorney, there will be no taking of additional evidence at the initial hearing, except that the claimant and/or his representative will be afforded fifteen (15) minutes to make a presentation, which shall be limited to comments and/or arguments as to the evidence or information already contained in the pension file, including the report of the examining physician.

C. Upon completion of the review of the Claim at the initial hearing, the Board shall enter an order setting forth its findings and conclusions on the Claim. The written order shall be provided to the claimant. The order shall include:

(1) The specific findings and conclusions of the Board, including specific references to pertinent provisions of the Plan on which such conclusions are based;

(2) A description of any additional material or information that the Board may deem necessary for the claimant to perfect the claim, together with the reasons why such materials or information is necessary; and

(3) An explanation of the right to a full hearing on the claim and the time limit in which a full hearing must be requested in writing.

D. The decision of the Board at the initial hearing shall not be final until after the time has expired to request a full hearing or, if a full hearing is requested, until the Board makes a decision at the conclusion of the full hearing.

### 3: FULL HEARING.

A. Any claimant may request a full hearing on the issues presented to the Board at an initial hearing and upon which the Board has entered an order as provided in subsection 2.C. above.

- B. A full hearing must be requested by the claimant within thirty (30) days following receipt of the Board's order. The order will be deemed received three (3) days following the date it is mailed to claimant at the address provided to the Board by the claimant.
- C. Upon receipt of the request for a full hearing, the Board shall establish a date for the full hearing and cause notice to be given to the claimant. The full hearing shall be held within ninety (90) days following receipt of the request from the claimant, unless additional time is agreed to by the claimant and the Board.
- D. Copies of all documents to be offered into evidence at the full hearing, and a complete witness list with names and addresses of witnesses expected to be called, shall be furnished to the Board at least twenty (20) days prior to the full hearing. Documents not furnished to the Board within the prescribed time limit may be excluded from evidence at the full hearing, and witnesses not disclosed within the prescribed time limit may be excluded from testimony, if a reasonable explanation is not provided for the delay in providing the documents.
- E. The claimant shall be responsible for the appearance of any witnesses at the hearing.
- F. At the hearing, irrelevant or unduly repetitious evidence or testimony shall be excluded.
- G. Any person who knowingly gives false testimony is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.
- H. The file maintained by the Board, including but not limited to various medical reports therein, is part of the record before the Board at the full hearing.
- I. All proceedings of the Board shall be conducted in public.

J. In cases concerning an application for pension benefits, including applications for disability retirement benefits, the burden of proof, except as provided by law, shall be on the claimant seeking to show entitlement to such benefits.

K. Except as to those records which are exempted from the provisions of Chapter 119, Florida Statutes, Florida's Public Records Law, records maintained by the Board are open for inspection and/or copying during normal business hours at a reasonable cost for the copying.

L. Should a claimant requesting an initial or full hearing decide to appeal any decision made by the Board, with respect to any matter considered at such hearing, the claimant will need a record of the proceeding and may need to assure that a verbatim record of the proceeding is made. The claimant will be responsible for obtaining a court reporter or otherwise making a record of the proceedings before the Board.

M. The decision of the Board after the requested full hearing shall be final and binding.

N. Within thirty (30) days after making a decision at the full hearing, the Board shall enter a final order setting forth its findings and conclusions, and a copy of the order shall be provided to the claimant.

O. Judicial review of decisions of the Board shall be sought by the filing of a timely petition for writ of certiorari with the Clerk of the Circuit Court, in the appropriate county.

#### 4: CONDUCT OF THE FULL HEARING.

A. The Chair shall preside over the hearing and shall rule on all evidentiary, procedural, and other legal questions that arise during the hearing. The Chair's rulings

shall stand unless overruled by all other Board members present. The Chair shall open the full hearing by explaining the procedures to be followed.

B. The claimant shall have the right to be represented by counsel or other representative. The Board attorney shall advise the Board.

C. The claimant shall be allowed to make an opening statement not to exceed ten (10) minutes.

D. Testimony of witnesses shall be under oath or affirmation. Depositions or affidavits shall be admissible if agreed upon by the claimant and the Board or the Board attorney.

E. The Chair, any Board member, the Board attorney, the claimant or the claimant's counsel, upon recognition by the Chair, may direct questions to any witness during the proceedings.

F. The claimant and the Board attorney shall have the right to present evidence relevant to the issues, to cross examine witnesses, to impeach witnesses and to respond to the evidence presented.

G. The claimant shall be permitted a closing argument not to exceed fifteen (15) minutes.

H. The Board shall deliberate and make a decision following closing argument, and thereafter enter an order as provided in subsection 2.C., above.

## 5. CLAIMS FOR BENEFITS OTHER THAN DISABILITY BENEFITS

A. When a person makes a claim for benefits, it will initially be reviewed by the Executive Director. Upon completion of the Executive Director's review, the Executive



Director shall inform the person of his or her decision. If the person contests the decision, the matter will be placed on the agenda for Board consideration. In those instances when there is more than one person claiming the same benefit, the matter will be placed on the agenda.

B. It is anticipated that the procedures in this Section B. through Section L. below, will lead to a final decision by the Board.

C. When the matter is placed on the agenda for the Board's consideration, the claimant shall receive notice of the date, time and place of the consideration of the matter.

D. At the meeting of the Board where the matter is considered, the Executive Director shall set forth his/her position on the matter. Each Claimant will be given a maximum of thirty minutes to set forth their position. Each Claimant can be represented by counsel or other representative. The only live testimony that can be offered will be that of the claimant, provided however, that the Board may allow live testimony from persons other than the claimant in its discretion. The claimant may also introduce sworn, notarized statements of other witnesses. If sworn, notarized statements are to be offered, they must be furnished to the Executive Director eight calendar days prior to the date of the meeting where the matter will be heard.

E. The claimant and the representative can be questioned by Trustees, the Board Attorney, or the Executive Director, or any other person as approved by the Board.

- F. The claimant shall be responsible for the appearance of any witnesses at the hearing.
- G. At the hearing, irrelevant or unduly repetitious evidence or testimony shall be excluded.
- H. Any person who knowingly gives false testimony is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, Florida Statutes.
- I. At the conclusion of the presentations and questioning, the Board shall consider all the evidence and argument and it is anticipated that the Board will reach a final decision, and inform the Claimant in writing of its decision. The Board may, however, choose not to reach a final decision and may seek additional information, and if so, it will inform the Executive Director and the Claimant of the additional information it seeks, and may delay the decision until the information is furnished.
- J. When the Board reaches its final decision, the Board will inform the claimant in writing of its decision.
- K. The decision of the Board will be final and any review will be in the appropriate court.
- L. All the time limits provided for herein may be extended by the Board.